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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,045	02/28/2002	John E. Kast	P-10427	6761
27581	7590	07/02/2004	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MS-LC340 MINNEAPOLIS, MN 55432-5604			SCHAETZLE, KENNEDY	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/090,045	Applicant(s) KAST ET AL.	
	Examiner Kennedy Schaetzle	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/21/03, 4/23/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The reference to "the recess" on the fifth last line of claim 1 lacks antecedent basis. It is unclear if it was the applicants' intent to recite a recess in the connector header base, or simply a means for maintaining a stack within a recess, with the recess not being a part of the claimed invention. Related comments apply to independent claims 11, 21 and 31.

The reference to "connector ribbons" in claim 28 lacks antecedent basis making the scope of the claim unclear (i.e., it is not clear if the applicants are attempting to claim conductors or conductive ribbons).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 21, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bischoff et al. (Pat. No. 5,843,141).

Bischoff et al. disclose an IPG comprising a connector header base 14 having an attachment surface shaped to be attached with the surface of the IPG's housing (see Fig. 1), and a bore entrance and cavity axially aligned with the bore as seen in Fig. 2. A first plurality of electrically conductive, header connector elements (e.g., elements 50

and 54) each having a connector element bore sized to receive and make electrical contact with a lead connector element are shown in Fig. 2, along with a second plurality of electrically insulating, flexible fluid seals (e.g., 60 and 64) also having the requisite bore. An interlocking means represented by the elastomeric material back-filled into the recesses, is disposed between each adjoining one of the first plurality of header connector elements and the second plurality of fluid seals for interlocking the elements in a stack of alternating arrangement, with the bores in axial alignment. The means for maintaining the stack within the recess of the connector header base is represented by the ribbed wall portions defining compartments 80, 82, 84 and 86 for the various connector and insulator elements and best seen in Fig. 2.

Specifically addressing the adjective “interlocking,” since the applicants have not supplied a specific definition of this term, the examiner will use the broadest reasonable definition, which according to Webster’s can simply mean, “...to join with one another.” The elastomeric material is considered to join the elements together.

Regarding the phrase “...disposed between each adjoining one of the first plurality of header connector elements and the second plurality of fluid seals,” the term “adjoining” can be defined as simply being “next to” or “adjacent to” according to Webster’s Dictionary. Furthermore, the elastomeric material that is injected to fill the recess and seal the device, is considered to be disposed between the connector/seal elements 50 and 60, as well as between connector/seal elements 54 and 64, even if the material overlies the space created by the gap. It should be noted that while various connector/seal elements appear to be connected as one unit in Fig. 2 (e.g., elements 58 and 50, elements 60 and 52, etc.), the claim only requires a plurality (i.e., two or more) connector/seal elements. As such, one is not limited to a device wherein the interlocking means is located between all of the connector/seal elements –only two or more.

Regarding claim 5, Bischoff et al. define the seal element as sealing rings. The bore of the ring is considered sized to frictionally engage a lead insulator element if one were to be inserted into the bore that had a insulator element of a diameter slightly larger than the sealing ring bore.

The rejection of claims 21 and 25 is substantially similar to that of claims 1 and 5 respectively (the examiner considers the apparatus inseparable from the method of making the apparatus).

Regarding claim 28, note col. 6, lines 35-48.

5. Claims 1-3, 5, 21-23, 25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Acken (Pat. No. 5,324,311).

Acken discloses an IPG housing comprising a header assembly with a first plurality of electrically conductive, header connector elements (elements 20 and 24) each having a connector element bore sized to receive and make electrical contact with a lead connector element (see Fig. 1), along with a second plurality of electrically insulating, flexible fluid seals (elements 30 and 36) sized to receive a lead insulator element. Interlocking means are disposed between each adjoining one of the first plurality of electrically conductive, header connector elements and the second plurality of electrically insulating, flexible fluid seals as represented by structure such as sidewall 17, T-shaped legs of element 24, and similar extensions of the insulating material.

Regarding the connector header base having an attachment surface shaped to be attached to the surface of an IPG housing, Acken discloses that one may encapsulate the connector elements into an epoxy connector top outside of the hermetic IPG enclosure (col. 3, lines 56-62). Since any three-dimensional object has a surface, the examiner considers any connector top to have a bottom attachment surface shaped for attachment to the top surface of an IPG housing. It is also axiomatic that such a connector header must have a bore in axial alignment with a cavity in order for the lead to be inserted. Also, Acken incorporates by reference patent 5,012,807 which shows in Fig. 1 such a feature.

Regarding the means for maintaining the stack within the recess of the connector header base, Acken teaches that one may cast the connector elements into an epoxy and incorporates by reference the '807 patent which shows such a feature in Fig. 1 wherein the recess, or cavity, is that portion of space formed by the connector structure itself.

Regarding the recitation that the seals be flexible, note col. 3, lines 51-56.

Regarding claim 2, the examiner considers the sidewall portions (e.g., element 17) of the header connector to extend parallel to the stack axis and into the adjoining fluid seal to mechanically interlock the header connector and the fluid seals. Note that the broadest reasonable dictionary definitions of the words "into" and "interlock" include "in the direction of" and "to join with one another," respectively (Webster's New World Dictionary, Third College Edition, 1988).

Concerning the functional language of claim 3, the examiner considers such a recitation to be a desired result of structure already set forth. In any event, the sidewalls as discussed above are considered to mechanically reinforce the fluid seals against forces tending to collapse or distort the seals.

Regarding claim 5, the examiner consider the seals 30 and 36 to represent rings that permit frictional engagement with a lead insulator element if such an element were to be inserted into the axial bore (note also the rejection of claim 5 under Bischoff et al. elaborated above).

In regards to claims 21-23 and 25, please refer to the rejection of related claims 1-3 and 5 above.

Regarding claim 28, see elements 86 and 88 of Fig. 2.

Allowable Subject Matter

6. Claims 4, 6-10, 12-20, 24, 26, 27, 29, 30 and 32-44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 11 and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The recited sidewall, flange and groove arrangement could not be found in the prior art in a connector header of the type set forth. A related statement applies to the method of making the connector header.

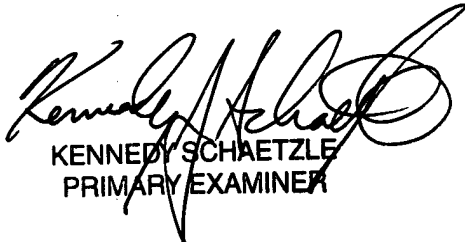
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kennedy Schaetzle whose telephone number is 703 308-2211. The examiner can normally be reached on 9:30 -6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 703 308-0851. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KJS
June 26, 2004


KENNEDY SCHAETZLE
PRIMARY EXAMINER